

REMARKS

The foregoing amendments and these remarks are in response to the Office Action dated June 26, 2007. Applicant hereby requests a three month Extension of Time. The Commissioner is hereby authorized to charge the necessary fees to Deposit Account No. 50-0951.

At the time of the Office Action, claims 1-4 and 6-21 were pending. In the Office Action, objections were raised to the drawings, specification and claim 16. Claims 12 and 13 were rejected under 35 U.S.C. §112, second paragraph. Claims 1-4, 6, 7, 11, 12, 14-18 and 20 were rejected under 35 U.S.C. §102(e). Claims 1-4, 7, 10, 12, 14-19 and 21 were rejected under 35 U.S.C. §102(b). Claims 8-10 and 13 were rejected under 35 U.S.C. §103(a). The objections and rejections are discussed in more detail below.

I. Objections to the Drawings

In the Office Action, objections were raised to the drawings because the figures do not match the brief description of drawings in the specification and there are figures that do not have figure numbers. Appropriate corrections are made herein, and withdrawal of the objections is thus respectfully requested.

II. Objections to the Specification

In the Office Action, objections were raised to the specification because the reference to figure numbers and reference numbers throughout the specification and drawings are inconsistent. Appropriate amendments to the specification, which correspond to amendments made to the reference numbers and references lines in the drawings, are made herein.

Applicant notes that section headings were inserted in the application in the preliminary amendment filed with the application. Nevertheless, amendments are also made herein to add appropriate section headings to the specification, using the paragraph numbering of the published application. Withdrawal of these rejections is therefore respectfully requested.

III. Claim Objections

In the Office Action, claim 16 was objected to for an informality. An appropriate correction is made herein, and withdrawal of the objection is thus respectfully requested.

IV. Claim Rejections under 35 U.S.C. §112

Claims 12 and 13 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended the claims in a manner believed to overcome the rejections. Withdrawal of the rejection is thus respectfully requested.

V. Rejections to the claims based upon Art

Claims 1-4, 6, 7, 11, 12, 14-18 and 20 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2003/0087217 to Coatoam ("Coatoam"). Claims 1, 3, 4, 10 and 21 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,873,721 to Willoughby ("Willoughby"). Claims 1-4, 6, 7, 12 and 14-19 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,217,331 to Rogers ("Rogers"). Claims 8-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rogers. Claim 13 was rejected under 35 U.S.C. §103(a) as being unpatentable over Rogers in view of U.S. Patent No. 3,602,993 to Kenney.

A. Review of the Claimed Subject Matter

Independent claims 1 and 14 both recite, *inter alia*, that the coping is anatomically resemblant to a tooth. The anatomical resemblance provides for a large number of benefits that are not present in the prior art. For instance, the anatomical resemblance provides for superior support and ease of implantation. The anatomical resemblance is also beneficial when a prosthetic is made using an anatomical form (i.e. the coping being anatomically resemblant to a tooth) that can be accurately, precisely and predictably be transferred to the three-dimensional rendering with a computer. Such precision obviates the need for cylindrical copings (e.g. Coatoam) and custom fittings (e.g. Willoughby) of the prior art. Additionally, a limited number of copings, for example, four (each resembling a molar, premolar, incisor and a canine) can be provided with an abutment, resulting in less of a need for a clinician to have a large supply of differing copings in stock, or for each coping to be custom fitted.

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B. Comparison of Claimed Subject Matter to the Cited Art

Contrary to what the assertions of the Office Action, Coatoam does not teach or suggest a coping that is anatomically resemblant to a tooth, a tooth prosthesis or a pre-prepared tooth. Instead, the "plastic coping" referred to by the Office Action is actually a plastic sleeve 176 or castable extender 189, identical to the straight plastic tube (e.g. UCLA type) referred to as prior art in the background section of the current application. In Coatoam, the only part that is anatomical is the implant itself.

Further, Coatoam describes an implant that needs to be positioned in an exact rotational position in order for the shape to be useful, and thus, the implant of Coatoam does not have any rotational freedom as recited in claim 2. Nothing in the text or Figures of Coatoam discloses that the sleeve 176 or extender 189 is rotatable.

In summary, Coatoam discloses a totally different approach to the present invention since Coatoam believes and has developed a solution based on implant-abutment integration, basically making the marginal portion pre-fabricated which results in a huge number of different implant types. In contrast, the subject matter of the recited claims involves a conventional implant with a direct anatomical shape in one component involving all aspects of the tooth or prepared tooth geometry. Finally, there is no mention in Coatoam of making a complete kit of different anatomical design of copings.

Like Coatoam, Willoughby also does not teach or suggest a coping that is anatomically resemblant to a tooth. Instead, Willoughby discloses a healing collar 58 having a base 60 adapted to receive a plastic sleeve 62, this sleeve being straight and therefore not anatomically resemblant to a tooth. See Willoughby, col. 44, lines 31-6. In contrast to the recited claims, wax-up material is used to create (in the lab or in the clinic) an anatomical healing collar. These are separate parts that are not provided by the manufacturer. Forming a wax pattern on the outside of the plastic sleeve is proof that the sleeve itself is not anatomically resemblant to a tooth.

Unlike the subject matter of the current application, Willoughby is a custom made product which evidences the need for the applicant's invention wherein a technician/clinician would not have to create the collar by hand, but instead, could have it pre-made. Furthermore, Willoughby does not even suggest a rotational solution.

Rogers also does not teach or suggest a coping that is anatomically resemblant to a tooth. Instead, Rogers teaches a technique for making a prosthesis following a conventional burn-out {WP452026;1}

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technique through the use of a plastic sleeve, which is straight without an anatomical form. In addition, Rogers teaches a temporary solution based on providing non-rotational temporary copings which can have various shapes to mimic a natural tooth using a plastic material.

Finally, although the Kenney reference was cited in support of the rejection of claim 13, this rejection is believed to be mooted by the amendment to claim 13 and because claim 13 depends from an allowable base claim. In this regard, Kenney certainly does not teach or suggest a coping that is anatomically resemblant to a tooth.

For at least these reasons, the independent claims are believed to be patentable. Also, the dependent claims are believed to be patentable due to their dependence on an allowable base claim and for further features recited therein.

VI. Conclusion

Applicant has made every effort to present claims which distinguish over the prior art, and it is thus believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicant respectfully requests reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

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